

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN DIVISION**

CHARLENE MARTINEZ, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

TD BANK USA, N.A., a National Bank,  
and TARGET CORPORATION, a  
Minnesota corporation,

Defendants.

Case No. 1:15-cv-07712-JBS-AMD

Hon. Jerome B. Simandle

Magistrate Judge Ann Marie Donio

**NOTICE OF MOTION TO  
DISMISS COUNTS II AND III  
OF FIRST AMENDED  
COMPLAINT PURSUANT TO  
RULES 12(b)(1) AND 12(b)(6)**

Motion Date: July 18, 2016

**PLEASE TAKE NOTICE** that upon the accompanying Memorandum of Law in Support of Motion to Dismiss Counts II and III of Plaintiff's First Amended Complaint, Defendants TD Bank USA, N.A. and Target Corporation shall move the Court before Magistrate Judge Anne Marie Donio at the Mitchell H. Cohen Building & U.S. Courthouse, 4th & Cooper Streets, Camden, NJ 08101, on July 18, 2016, or as soon thereafter as counsel may be heard, for an Order pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) granting Defendants' Motion to Dismiss and dismissing Counts II and III of Plaintiff's First Amended Complaint, and for such further relief as the Court deems just and proper.

Dated: May 27, 2016

Respectfully submitted,

**TD BANK USA, N.A.**  
**TARGET CORPORATION**

By: /s/ Jarrod D. Shaw

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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2016, I electronically filed the foregoing using the Court's CM/ECF system, which will then send a notification of such filing to all counsel of record.

/s/ Jarrod D. Shaw

Jarrod D. Shaw